

## § 37.15

## 7 CFR Ch. I (1–1–04 Edition)

be assessed and collected from applicants in accordance with the following provisions.

(a) *Fees for Service.* Except as otherwise provided in this section, fees-for-service shall be based on the time required to render the service provided calculated to the nearest 15-minute period, including auditor's travel, review and approval of quality manual, the conduct of the onsite audit, and time required to prepare reports and any other documents in connection with the performance of service. The base hourly rate for such service is \$42.20 per hour for 8 hours or less of work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on legal holidays. The premium hourly rate for all applicants is \$47.80 per hour charged to users of the service for the hours worked in excess of 8 hours per day between the hours of 6 a.m. and 6 p.m.; for the hours worked between 6 p.m. and 6 a.m., Monday through Friday; and for any time worked on Saturday and Sunday, except on legal holidays. The holiday rate for all applicants is \$79.60 charged to users of the service for all hours worked on legal holidays.

(b) *Travel charges.* When service is requested at a place so distant from an auditor's headquarters, or place of prior assignment on circuitous routing, that a total of one-half hour or more is required for the auditor to travel to such place and back to the headquarters, or to the next place of assignment on a circuitous routing, the charge for such service shall include mileage charge administratively determined by the Department, and travel tolls, if applicable, or such travel prorated against all the applicants furnished the service involved on an equitable basis, or where the travel is made by public transportation (including hired vehicles), a fee equal to the actual cost thereof. However, the applicant will not be charged a new mileage rate without notification before the service is rendered.

(c) *Per diem charges.* When service is requested at a place away from the auditor's headquarters, the fee for such service shall include a per diem charge if the employee performing the service is paid per diem in accordance with ex-

isting travel regulations. Per diem charges to applicants will cover the same period of time for which the auditor receives per diem reimbursement. The per diem rate will be administratively determined by the Department. However, the applicant will not be charged a new per diem rate without notification before the service is rendered.

(d) *Other costs.* When costs, other than costs specified in paragraphs (a), (b), and (c) of this section are associated with providing the services, the applicant will be charged for these costs. The amount of the costs charged will be determined administratively by the Department. However, the applicant will not be charged for such cost without notification before the service is rendered of the charge for such item of expense.

### § 37.15 Payment of fees.

Fees and other charges for service shall be paid by the applicant to the Livestock and Seed Program, AMS, P.O. Box 96456, Room 2628-South, Washington, DC 20090-6456, with a check made payable to the Agricultural Marketing Service.

### § 37.16 OMB assigned numbers.

The information collection and recordkeeping requirements contained in this part have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35 and have been assigned OMB Control Number 0581-0183.

## PARTS 38–41 [RESERVED]

## PART 42—STANDARDS FOR CONDITION OF FOOD CONTAINERS

### Subpart A—Definitions

Sec.

42.101 Meaning of words.

42.102 Definitions, general.

### Subpart B—Procedures for Stationary Lot Sampling and Inspection

42.103 Purpose and scope.

42.104 Sampling plans and defects.

42.105 Basis for selection of sample.

42.106 Classifying and recording defects.

## Agricultural Marketing Service, USDA

## § 42.102

- 42.107 Lot acceptance criteria.
- 42.108 Normal, tightened or reduced inspection.
- 42.109 Sampling plans for normal condition of container inspection, Tables I and I-A.
- 42.110 Sampling plans for tightened condition of container inspection, Tables II and II-A.
- 42.111 Sampling plans for reduced condition of container inspection, Tables III and III-A; and limit number for reduced inspection, Table III-B.
- 42.112 Defects of containers: Tables IV, V, VI, and VII.
- 42.113 Defects of label, marking, or code: Table VIII.

### Subpart C—Skip Lot Sampling and Inspection Procedures

- 42.120 Description and qualification.
- 42.121 Sampling and inspection procedures.
- 42.122 Applicability of other procedures.
- 42.123 Flow diagram for skip lot sampling and inspection.

### Subpart D—On-Line Sampling and Inspection Procedures

- 42.130 Description and qualifications.
- 42.131 Selection of samples.
- 42.132 Determining cumulative sum values.
- 42.133 Portion of production acceptance criteria.
- 42.134 Disposition of rejected portions of production.
- 42.135 Normal, tightened or reduced on-line inspection.
- 42.136 Applicability of other procedures.

### Subpart E—Miscellaneous

- 42.140 Operating Characteristic (OC) curves for on-line sampling and inspection.
- 42.141 Obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.
- 42.142 Curve for obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.
- 42.143 Operating Characteristic (OC) curves for on-line sampling and inspection.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

### Subpart A—Definitions

#### § 42.101 Meaning of words.

Words used in this part in the singular form shall be considered to im-

port the plural, or vice versa, as the case may demand.

[31 FR 4687, Mar. 19, 1966; 31 FR 4949, Mar. 25, 1966; Redesignated at 42 FR 32514, June 27, 1977 and at 46 FR 63203, Dec. 31, 1981]

#### § 42.102 Definitions, general.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

*Acceptable Quality Level (AQL).* The maximum number of defects per hundred units (DHU) which is acceptable as a process average. Lots, or portions of production, having a quality level equal to a specified AQL will be accepted approximately 95 percent of the time when using the sampling plans prescribed for the AQL.

*Acceptance Number (Ac).* The number in a sampling plan that indicates the maximum number of defects permitted in a sample in order to consider a lot as meeting a specific requirement.

*Administrator.* The Administrator of the Agricultural Marketing Service (AMS) of the Department or any other officer or employee of the Agency to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

*Basic Inspection Period.* A specified period of consecutive production designated for on-line inspection (e.g., one shift's production, one day's production, etc.).

*Condition.* The degree of acceptability of the container with respect to freedom from defects which affect the serviceability, including appearance as well as usability, of the container for its intended purpose.

*Cumulative Sum Sampling (CuSum) Plan.* An on-line sampling plan that accumulates the number of defects which exceed the subgroup tolerance ("T") in a series of consecutive subgroups. Terms specified to the CuSum sampling plans are:

(a) *Acceptance Limit ("L").* The maximum accumulation of defects allowed to exceed the subgroup tolerance ("T") in any subgroup or consecutive subgroups.

(b) *CuSum value.* The accumulated number of defects that exceed the subgroup tolerance ("T").